

## **REMARKS**

These remarks and the accompanying amendments are responsive to the Office Action made final and dated April 5, 2005 (hereinafter referred to as the "Office Action"), having a shortened statutory period for response that expires today, July 5, 2005. Claims 1 through 6 were pending at the time of the last examination and stand rejected. By this amendment Claims 1 and 4 are cancelled, Claims 2 and 5 are amended to be in independent form, and Claims 3 and 6 are currently amended continuing as dependent claims. Accordingly, upon entry of this amendment, Claims 2, 3, 5 and 6 will be pending for further consideration, of which, Claims 2 and 5 are independent. Entry of these amendments is respectfully requested even after final since the amendments either involve merely cancellation of claims, rewriting claims in independent form, or minor amendments in dependency.

Section 1 of the Office Action rejects Claims 2 and 5 as failing to meet the written description requirement. More specifically, the Office Action alleges that the originally filed specification does not support the claim element "the means for transmitting transmits the signals by using a plurality of channels in one sector, and makes frame transmission timings different between the plurality of channels". The applicants respectfully disagree.

In Table 15 and the corresponding description of the specification, there is a description that the radio frame transmission timings of the perch channel and the forward common control physical channels are offset by  $T_{sect}$  (which is the same value in the same sector), and the frame transmission timings of the forward common control physical channels are further offset by  $T_{ccch}$  (which can be set for each common control physical channel). Therefore, it can be said that the frame transmission timings are different between the plurality of channels in one sector. This is illustrated in Figure 85. Therefore, this features is taught by the specification as

originally filed, and thus the written description rejection of Claims 2 and 5 should be withdrawn.

Section 2 of the Office Action rejects Claims 1, 3, 4 and 6 under 35 U.S.C. 102(e) as being anticipated by United States Patent serial number 6,473,447 issued to Strich et al. This rejection is moot with respect to cancelled Claims 1 and 4, but remains with respect to Claims 3 and 6. Claims 3 and 6 are amended to depend from Claims 2 and 5, which were are not rejected except under the written description requirement, which rejection should be withdrawn for at least the reasons provided above. Accordingly, Claims 3 and 6 (as amended) are also patentable and in allowable form. Therefore, withdrawal of the 35 U.S.C. 102(e) rejection is respectfully requested.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 5<sup>th</sup> day of July, 2005.

Respectfully submitted,



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